

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RHIANNON LEE ROJAS,

Defendant.

4:20CR3074

ORDER

Defendant has moved for release to treatment at St. Monica's and requests a hearing. (Filing No. 23). As reflected in the pretrial services report, Defendant has a substantial criminal record, including charges for false reporting, no less than 17 failures to appear in court as ordered, several probation violations, failures to complete house arrest and to perform court-ordered community service, and violations of protective orders.

The records before the court indicate Defendant was and is not credible regarding her past history and motivation for release to complete treatment. Defendant did not candidly report the extent of her criminal history during her the treatment evaluation underlying her current motion for release. She did not disclose her significant history of assaultive conduct and child abuse, and she disclosed only the current and one prior methamphetamine charge and two prior DUI's. That history is inconsistent with court records, and as the evaluator pointed out, Defendant's current reports of drug use do not match the assessment completed at Lutheran Family Services in 2017. In addition, Defendant's DHHS caseworker reports Defendant has not cooperated with drug testing since June of 2016, at which time she tested positive for marijuana and methamphetamine. And although Defendant told the treatment evaluator that

“[M]y kids are my strength,” (Filing No. 24, at CM/ECF p. 5), and that her “purpose in life is to teach her children a better life,” (*id.*), the DHHS caseworker reports Defendant has regularly cancelled or rescheduled scheduled visits with her children, “eventually leading to a drop from three visits a week to one. Even after being reduced to one visit a week, Rhiannon continued to cancel and reschedule appointments.” (*id.*, at CM/ECF p. 8).

Under the circumstances presented, I am not convinced Defendant is committed to completing a drug treatment program or to following this court’s order setting conditions of release. Defendant’s proposed release plan does not rebut the presumption of detention applicable in this case. Defendant release poses a risk of nonappearance and a risk of harm to the public that is not sufficiently ameliorated by her proposal for release to a short-term residential drug treatment program.

Accordingly,

IT IS ORDERED that Defendant’s motion for release, (Filing No. 23), is denied without a hearing.

Dated this 19th day of October, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge